

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Y04S021PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/019565	International filing date (<i>day/month/year</i>) 27.12.2004	Priority date (<i>day/month/year</i>) 25.12.2003
International Patent Classification (IPC) or national classification and IPC G06F9/445, G06F11/30		
Applicant H & T CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-23 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-12 _____ received by this Authority on 03.10.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets Fig. 1-5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-12</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-12</u>	NO
	Industrial applicability (IA)	Claims <u>1-12</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>Document 1: Kiyoshi Murakami, Haruo Suzuki, Yoshiaki Ueno, Ryoichi Haga, "Tokushu Iyakuhin Seizogyo ni Okeru Keisoku Seigyo Joho System: Iyakuhin Keisoku Seigyo System to Senjo Variation", Hitachi Hyoron, 1 April 1996, Vol. 78, No. 4, pages 71 to 76, ISSN 0367-5874 (see Chapter 4 in particular)</p> <p>Document 2: JP 2001-350650 A (NTT Comware Corp.), 21 December 2001, paragraph 17; fig. 12 (Family: none)</p> <p>Document 3: JP 2001-188680 A (Kabushiki Kaisha H & T et al.), 10 July 2001, paragraphs 7 to 10 and 20 to 41 (Family: none)</p> <p>Document 4: JP 2001-116744 A (NEC Hokuriku Software Co., Ltd.), 27 April 2001, paragraphs 2 to 31 (Family: none)</p> <p>Document 5: JP 5-94298 A (NEC Hokuriku Software Co., Ltd.), 16 April 1993, fig. 3 and paragraph 8 (Family: none)</p> <p>Document 6: JP 7-13809 A (NEC Corporation), 17 January 1995, paragraph 36 (Family: none)</p> <p>Document 7: JP 2000-275253 A (Horiba, Ltd.), 6 October 2000, paragraphs 23, 26 and 31 (Family:</p>		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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none)

The inventions set forth in claims 1 and 3 do not involve an inventive step in the light of documents 1 to 3 cited in the international search report. Document 1 indicates that verification is carried out on each blocked software function for computer validation purposes; that operation is enabled only by registered persons, and that the name of the operator is recorded. Meanwhile, document 2 sets forth a concept wherein a judgment is made as to whether differences relating to changes in software are within a tolerable range, and the judgment results and the name of the tester are output in relation to one another. It would not be difficult for a person skilled in the art to apply this concept to the aforementioned computer validation.

In addition, it is also obvious that users are authenticated (see document 3 for an example), therefore it would not be particularly difficult for a person skilled in the art to change the aforementioned operator or the aforementioned tester who is authenticated to a "user", therefore it would be easy for a person skilled in the art to conceive of the configuration set forth in the aforementioned claims.

The inventions set forth in claims 2, 8 and 9 do not involve an inventive step in the light of documents 1 to 3 cited in the international search report. Document 3 indicates that programs selected in a launcher program are activated; that a program is subjected to a forced reset if user authentication fails; and sets forth the concept that user authentication is carried out for each

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

predetermined time period.

The inventions set forth in claims 4 to 6 and 10 do not involve an inventive step in the light of document 1 cited in the international search report. Document 4 indicates that in order to guarantee that safety testing data has not been tampered with, the operation of software is verified automatically in a predetermined cycle, and that operation results obtained using data fictitiously inputted from a verification execution means are detected and the GLP and the like are guaranteed. Meanwhile, document 5 indicates that testing is carried out using tables containing information for specifying the program module which is subjected to testing, input data for testing and expected values, and it would be easy for a person skilled in the art to change the aforementioned expected values to information concerning the tolerable range in the light of documents 2 and 3.

The invention set forth in claim 7 does not involve an inventive step in the light of documents 1, 2 and 7 cited in the international search report. Document 7 indicates that inspection results are displayed on a display, and that after receiving instructions from the person responsible, inspection results are stored together with information specified by the aforementioned person responsible.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

(1) The inventions set forth in claims 1 to 10 are unclear. A program is for having a computer carry out a predetermined process, and although the computer carries out the predetermined process, the program does not carry out a predetermined process. Moreover, the technical scope corresponding to the "product" is unclear.

(2) Claim 2 is not fully supported by the description. This application does not indicate that the invention detects whether or not a change has been made to the launcher per se, or that user authentication is carried out before executing the launcher.

(3) The feature set forth in claim 3, wherein the invention "detects whether changes made to each application program are of an extent which allows this application program to be executed once more without verifying operation", and "detects whether changes have been made which exceed an extent which allows execution without verifying operation" is not fully supported by the description. The aforementioned disclosures are interpreted as meaning that depending on inspection results, future inspections need not be carried out.

(4) The invention set forth in claims 7 and 8 is unclear. A program is not a method, and therefore cannot have a "...step".

(5) Claim 7 is not fully supported by the description. This application does not indicate that "user input" and

Box No. VIII Certain observations on the international application

"inspection results" are associated with one another. None of "fact of change", "fact of verification" and "user name" correspond to "user input".

(6) The wording "at the request of a user" set forth in claim 9 is not fully supported by the description. This application does not indicate that a user requests user authentication again.

(7) The "verification part" and "inspection part" set forth in claim 11 are not fully supported by the description. There are no grounds in the description or the drawings indicating independent hardware elements which correspond to the "verification part" and "inspection part" respectively.

(8) Paragraphs 43, 50, 51, 58, 71 and 72 of the description are unclear. A tangible object such as a means does not correspond to an intangible object such as a program.